

Library Board of Trustees

The Louisville Public Library's mission is to inform, involve, and inspire the communities we serve.

MEETING AGENDA

THURSDAY, January 09, 2020
Library Meeting Room, 1st Floor
951 Spruce Street
6:30 PM

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
- V. Election of Officers
- VI. Public Comments
- VII. Trustee Informational Comments on Pertinent Items Not on the Agenda
- VIII. New Business
 - A. Designate
 - 1. 2020 locations to post notices of public meetings
 - 2. 2020 Schedule of Board Meetings
 - B. Distribute
 - 1. 2020 Open Government and Ethics Pamphlet
- IX. Ongoing Business
 - A. Review Board Handbook Revisions
 - B. Discussion: Board Engagement
 - 1. City Council
 - 2. Potential 2020 Work Plan for Board
 - C. Superior Board of Trustees update (N. Shah)
 - D. Library Foundation liaison report (R. Gurganus)
- X. Director's Report (S. Nemechek)
- XI. Agenda Items for Next Meeting: March 12, 2020
- XII. Adjournment

Library Board of Trustees

The Louisville Public Library's mission is to inform, involve, and inspire the communities we serve.

Meeting Minutes—*DRAFT*

(Version 11/24/2019)

Thursday, November 14, 2019
Library Meeting Room, 1st Floor
951 Spruce Street
6:30 PM

- I. **Call to Order.** A quorum was present and Board President Gurganus called the meeting to order at about 6:30 pm.
- II. **Roll Call**

<p>Board Members Present:</p> <ul style="list-style-type: none">▪ Renée Gurganus, President▪ Conor Seyle, Vice President (arrived late at about 7:15)▪ Richard Chamberlin, Secretary▪ Jeannie Schuman▪ Laura Skladzinski, Town of Superior Trustee▪ Jaime Dufresne▪ Helana Lechner	<p>City Staff Members Present:</p> <ul style="list-style-type: none">▪ Sharon Nemechek, Library Director▪ Chris Leh, Louisville City Council Liaison <p>Others present:</p> <ul style="list-style-type: none">• Michael Bishop, citizen of Louisville• Daryl McCool, Superior Cultural Arts and Public Spaces Advisory Committee
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- III. **Approval of Agenda:** The agenda was approved by general consent.
- IV. **Approval of previous minutes:** The minutes from September 12 were approved by general consent.
- V. **Public Comments:** There were no public comments.
- VI. **Trustee Informational Comments on Pertinent Items Not on the Agenda:** President Gurganus met with Ashley Stoltzman, the mayor-elect. President Gurganus learned that a liaison from the City Council would no longer be regularly attending the meetings of City Boards and Commissions. Instead Boards and Commissions would be expected to make an annual presentation to the City Council. The members of the LBOT had a short debate about the pros and cons of this change.
- VII. **New Business**
 - A. Library Director Nemechek presented a report on the [Library Key Performance Indicators \(KPI\)](#).
 - B. President Gurganus reported on her attendance at the Colorado Association of Libraries Conference (CALCON). A major take-away for her was the importance of citizen participation in the 2020 census because its result controls the distribution of some federal spending. Another

take-away was on creating detailed rules for public participation in LBOT meetings and putting them into the LBOT bylaws.

- C. Voting on the approval of the annual revision to the LBOT handbook was tabled pending getting a hardcopy of the KPI report, and updated links from the City and Library to some documents.
- D. Library Director Nemechek proposed adding a local authors gifts policy to the Louisville Library Collection Policy. The LBOT voted unanimously to accept the proposed change in policy.

VIII. Ongoing Business

- A. Louisville City Council Update (C. Leh): Councilman Leh reviewed the results of the recent City election. In December the City Council will start work on the bi-annual budget for 2021/2022. City KPI's are likely to be reviewed and the KPI criteria adjusted. Councilman Leh and the LBOT had some discussion about the plan to stop having Council people sit in on Boards and Commissions meetings. Councilman Leh said that the topic would be discussed at November 19 meeting of the City Council. Councilman Leh encouraged the LBOT to reach out to City officials on issues they wanted heard.
- B. Superior Board of Trustees update (L. Skladzinski): A work session of the Superior Board of Trustees is considering plans to improve and widen 88th Street. The Superior Board of Trustees is developing a master plan in consultation with the Cultural Arts and Public Spaces Advisory Committee, and the consulting firm "Happy City". Superior has hired an architect to help develop the former Landrover dealership building at 1500 Colton Road. The 2020 budget was passed.
- C. Library Foundation Report (R. Gurganus): No new report. The next Foundation meeting is Thursday, November 21.

IX. Director's Report (Nemecheck):

- A. Becky Campbell, the Public Services Manger, is retiring. The retirement party is December 13, 2 to 4 pm. The Director plans to have the Children Services Manager and the Adult Services Manager report directly to her, rather than through the Public Services Manager.
- B. The Association for Community Living will offer training to the library staff on February 24, 2020.
- C. Director Nemecheck announced volunteer opportunities for the December 6, "Snowed in at the Library", First Friday program.
- D. Director Nemecheck announced a new agreement with the Boulder Valley School District (BVSD) giving BVSD students access to the Library.

- X. Agenda for next meeting on July 11, 2019: Review revisions to the Trustee Handbook; Discussion on how the LBOT will interact with the City Council.

- XI. The meeting was adjourned at about 8:34 pm.

City of Louisville Open Government & Ethics Pamphlet 2020



City Clerk's Office
749 Main Street
Louisville CO 80027

www.LouisvilleCO.gov
303.335.4536

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Participation in Government

The City of Louisville encourages citizen involvement and participation in its public policy process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. All meetings of City Council, as well as meetings of appointed Boards and Commissions, are open to the public and include an opportunity for public comments on items not on the agenda. No action or substantive discussion on an item may take place unless that item has been specifically listed as an agenda item for a regular or special meeting. Some opportunities for you to participate include:

Reading and inquiring about City Council activities and agenda items, and attending and speaking on topics of interest at public meetings

City Council Meetings:

- Regular meetings are generally held on the first and third Tuesdays of each month at 7:00 PM in the City Council Chambers, located on the second floor of City Hall, 749 Main Street;
- Study sessions are generally held on the second and fourth Tuesdays of each month at 7:00 PM in the Library Meeting Room, located on the first floor of the Library, 951 Spruce Street;
- Regular meetings are broadcast live on Comcast Cable Channel 8 and copies of the meeting broadcasts are available on DVD in the City Manager's Office beginning the morning following the meeting;
- Regular meetings are broadcast live and archived for viewing on the City's website at www.LouisvilleCO.gov.
- Special meetings may be held occasionally on specific topics. Agendas are posted a minimum of 48 hours prior to the meeting.

Meeting agendas for all City Council meetings, other than special meetings, are posted a minimum of 72 hours prior to the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City website at www.LouisvilleCO.gov

Meeting packets with all agenda-related materials are available 72 hours prior to each meeting and may be found at these locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk's Office, City Hall, 749 Main Street,
- City website at www.LouisvilleCO.gov

You may receive eNotifications of City Council news as well as meeting agendas and summaries of City Council actions. Visit the City's website (www.LouisvilleCO.gov) and look for the eNotification link to register.

After they are approved by the City Council, meeting minutes of all regular and special meetings are available in the City Clerk's office and on the City's website (www.LouisvilleCO.gov).

Information about City activities and projects, as well as City Council decisions, is included in the *Community Update* newsletter, mailed to all City residents and businesses. Information is also often included in the monthly utility bills mailed to City residents.

Communicating Directly with the Mayor and City Council Members

Contact information for the Mayor and City Council members is available at www.LouisvilleCO.gov, as well as at City Hall, the Louisville Public Library, and the Recreation/Senior Center. You may email the Mayor and City Council as a group at CityCouncil@LouisvilleCO.gov.

Mayor's Town Meetings and City Council Ward Meetings are scheduled periodically. These are informal meetings at which all residents, points of view, and issues are welcome. These meetings are advertised at City facilities and on the City's website (www.LouisvilleCO.gov).

Mayor or City Council Elections

City Council members are elected from three Wards within the City and serve staggered four-year terms. There are two Council representatives from each ward. The mayor is elected at-large and serves a four-year term. City Council elections are held in November of odd-numbered years. For information about City elections, including running for City Council, please contact the City Clerk's Office, first floor City Hall, 749 Main Street, or call 303.335.4571.

Serving as an Appointed Member on a City Board or Commission

The City Council makes Board and Commission appointments annually. Some of the City's Boards and Commissions are advisory, others have some decision-making powers. The City Council refers questions and issues to these appointed officials for input and advice. (Please note the Youth Advisory Board has a separate appointment process.) The City's Boards and Commissions are:

- Board of Adjustment
- Building Code Board of Appeals
- Cultural Council
- Historic Preservation Commission
- Historical Commission
- Housing Authority
- Library Board of Trustees
- Local Licensing Authority

- Open Space Advisory Board
- Parks & Public Landscaping Advisory Board
- Planning Commission
- Recreation Advisory Board
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

Information about boards, as well as meeting agendas and schedules for each board, is available on the City’s web-site (www.LouisvilleCO.gov).

Agendas for all Board and Commission meetings are posted a minimum of 72 hours prior to each meeting and are posted at these locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- City web site at www.LouisvilleCO.gov

Copies of complete meeting packets containing all agenda-related materials are available at least 72 hours prior to each meeting and may be found at the following locations:

- Louisville Public Library Reference Area, 951 Spruce Street,
- City Clerk’s Office, City Hall, 749 Main Street
- City web site at www.LouisvilleCO.gov

Planning Commission

The Planning Commission evaluates land use proposals against zoning laws and holds public hearings as outlined in City codes. Following a public hearing, the Commission recommends, through a resolution, that the City Council accept or reject a proposal.

- Regular Planning Commission meetings are held at 6:30 PM on the second Thursday of each month. Overflow meetings are scheduled for 6:30 PM on the 4th Thursday of the month as needed, and occasionally Study Sessions are held.
- Regular meetings are broadcast live on Comcast Channel 8 and archived for viewing on the City’s web-site (www.LouisvilleCO.gov).

Open Government Training

All City Council members and members of a permanent Board or Commission are required to participate in at least one City-sponsored open government-related seminar, workshop, or other training program at least once every two years.

Open Meetings

The City follows the Colorado Open Meetings Law (“Sunshine Law”) as well as additional open meet-

ings requirements found in the City’s Home Rule Charter. These rules and practices apply to the City Council and appointed Boards and Commissions (referred to as a “public body” for ease of reference). Important open meetings rules and practices include the following:

Regular Meetings

All meetings of three or more members of a public body (or a quorum, whichever is fewer) are open to the public.

All meetings of public bodies must be held in public buildings and public facilities accessible to all members of the public.

All meetings must be preceded by proper notice. Agendas and agenda-related materials are posted at least 72 hours in advance of the meeting at the following locations:

- City Hall, 749 Main Street
- Police Department/Municipal Court, 992 West Via Appia
- Recreation/Senior Center, 900 West Via Appia
- Louisville Public Library, 951 Spruce Street
- On the City web site at www.LouisvilleCO.gov

Study Sessions

Study sessions are also open to the public. However, study sessions have a limited purpose:

- Study sessions are to obtain information and discuss matters in a less formal atmosphere;
- No preliminary or final decision or action may be made or taken at any study session; further, full debate and deliberation of a matter is to be reserved for formal meetings; If a person believes in good faith that a study session is proceeding contrary to these limitations, he or she may submit a written objection. The presiding officer will then review the objection and determine how the study session should proceed.
- Like formal meetings, a written summary of each study session is prepared and is available on the City’s website.

Executive Sessions

The City Charter also sets out specific procedures and limitations on the use of executive sessions. These rules, found in Article 5 of the Charter, are intended to further the City policy that the activities of City government be conducted in public to the greatest extent feasible, in order to assure public participation and enhance public accountability. The City’s rules regarding executive sessions include the following:

Timing and Procedures

The City Council and City Boards and Commissions may hold an executive session only at a regular or special meeting.

No formal action of any type, and no informal or “straw” vote, may occur at any executive session. Rather, formal

actions, such as the adoption of a proposed policy, position, rule or other action, may only occur in open session.

Prior to holding an executive session, there must be a public announcement of the request and the legal authority for convening in closed session. There must be a detailed and specific statement as to the topics to be discussed and the reasons for requesting the session.

The request must be approved by a supermajority (two-thirds of the full Council, Board, or Commission). Prior to voting on the request, the clerk reads a statement of the rules pertaining to executive sessions. Once in executive session, the limitations on the session must be discussed and the propriety of the session confirmed. If there are objections and/or concerns over the propriety of the session, those are to be resolved in open session.

Once the session is over, an announcement is made of any procedures that will follow from the session.

Executive sessions are recorded, with access to those tapes limited as provided by state law. Those state laws allow a judge to review the propriety of a session if in a court filing it is shown that there is a reasonable belief that the executive session went beyond its permitted scope. Executive session records are not available outside of a court proceeding.

Authorized Topics

For City Council, an executive session may be held only for discussion of the following topics:

- Matters where the information being discussed is required to be kept confidential by federal or state law;
- Certain personnel matters relating to employees directly appointed by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;
- Consideration of water rights and real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy for the acquisition or disposition; and
- Consultation with an attorney representing the City with respect to pending litigation. This includes cases that are actually filed as well as situations where the person requesting the executive session believes in good faith that a lawsuit may result, and allows for discussion of settlement strategies.

The City's Boards and Commissions may only hold an executive session for consultation with its attorney regarding pending litigation.

Ethics

Ethics are the foundation of good government. Louisville has adopted its own Code of Ethics, which is found in the City Charter and which applies to elected officials, public body members, and employees. The Louisville Code of Ethics applies in addition to any higher standards

in state law. Louisville's position on ethics is perhaps best summarized in the following statement taken from the City Charter:

Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.

The City's Code of Ethics (Sections 5-6 through 5-17 of the Charter) is summarized in the following paragraphs. While the focus is to provide a general overview of the rules, it is important to note that all persons subject to the Code of Ethics must strive to follow both the letter and the spirit of the Code, so as to avoid not only actual violations, but public perceptions of violations. Indeed, perceptions of violations can have the same negative impact on public trust as actual violations.

Conflicts of Interest

One of the most common ethical rules visited in the local government arena is the "conflict of interest rule." While some technical aspects of the rule are discussed below, the general rule under the Code of Ethics is that if a Council, Board, or Commission member has an "interest" that will be affected by his or her "official action," then there is a conflict of interest and the member must:

- Disclose the conflict, on the record and with particularity;
- Not participate in the discussion;
- Leave the room; and
- Not attempt to influence others.

An "interest" is a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. However, an "interest" does not include any matter conferring similar benefits on all property or persons similarly situated. (Therefore, a City Council member is not prohibited from voting on a sales tax increase or decrease if the member's only interest is that he or she, like other residents, will be subject to the higher or lower tax.) Additionally, an "interest" does not include a stock interest of less than one percent of the company's outstanding shares.

The Code of Ethics extends the concept of prohibited interest to persons or entities with whom the member is associated. In particular, an interest of the following persons and entities is also an interest of the member: relatives (including persons related by blood or marriage to certain

degrees, and others); a business in which the member is an officer, director, employee, partner, principal, member, or owner; and a business in which member owns more than one percent of outstanding shares.

The concept of an interest in a business applies to profit and nonprofit corporations, and applies in situations in which the official action would affect a business competitor. Additionally, an interest is deemed to continue for one year after the interest has ceased. Finally, “official action” for purposes of the conflict of interest rule, includes not only legislative actions, but also administrative actions and “quasi-judicial” proceedings where the entity is acting like a judge in applying rules to the specific rights of individuals (such as a variance request or liquor license). Thus, the conflict rules apply essentially to all types of actions a member may take.

Contracts

In addition to its purchasing policies and other rules intended to secure contracts that are in the best interest of the City, the Code of Ethics prohibits various actions regarding contracts. For example, no public body member who has decision-making authority or influence over a City contract can have an interest in the contract, unless the member has complied with the disclosure and recusal rules. Further, members are not to appear before the City on behalf of other entities that hold a City contract, nor are they to solicit or accept employment from a contracting entity if it is related to the member’s action on a contract with that entity.

Gifts and Nepotism

The Code of Ethics, as well as state law, regulates the receipt of gifts. City officials and employees may not solicit or accept a present or future gift, favor, discount, service or other thing of value from a party to a City contract, or from a person seeking to influence an official action. There is an exception for the “occasional nonpecuniary gift” of \$15 or less, but this exception does not apply if the gift, no matter how small, may be associated with the official’s or employee’s official action, whether concerning a contract or some other matter. The gift ban also extends to independent contractors who may exercise official actions on behalf of the City.

The Code of Ethics also prohibits common forms of nepotism. For example, no officer, public body member, or employee shall be responsible for employment matters concerning a relative. Nor can he or she influence compensation paid to a relative, and a relative of a current officer, public body member or employee cannot be hired unless certain personnel rules are followed.

Other Ethics Rules of Interest

Like state law, Louisville’s Code of Ethics prohibits the use of non-public information for personal or private gain. It also prohibits acts of advantage or favoritism and, in that regard, prohibits special considerations, use of employee time for personal or private reasons, and use of City vehicles or equipment, except in same manner as available to any other person (or in manner that will substantially benefit City). The City also has a “revolving door” rule that prohibits elected officials from becoming City employees either during their time in office or for two years after leaving office. These and other rules of conduct are found in Section 5-9 of the Code of Ethics.

Disclosure, Enforcement, and Advisory Opinions

The Code of Ethics requires that those holding or running for City Council file a financial disclosure statement with the City Clerk. The statement must include, among other information, the person’s employer and occupation, sources of income, and a list of business and property holdings.

The Code of Ethics provides fair and certain procedures for its enforcement. Complaints of violations may be filed with the City prosecutor; the complaint must be a detailed written and verified statement. If the complaint is against an elected or appointed official, it is forwarded to an independent judge who appoints a special, independent prosecutor for purposes of investigation and appropriate action. If against an employee, the City prosecutor will investigate the complaint and take appropriate action. In all cases, the person who is subject to the complaint is given the opportunity to provide information concerning the complaint.

Finally, the Code allows persons who are subject to the Code to request an advisory opinion if they are uncertain as to applicability of the Code to a particular situation, or as to the definition of terms used in the Code. Such requests are handled by an advisory judge, selected from a panel of independent, disinterested judges who have agreed to provide their services. This device allows persons who are subject to the Code to resolve uncertainty before acting, so that a proper course of conduct may be identified. Any person who requests and acts in accordance with an advisory opinion issued by an advisory judge is not subject to City penalty, unless material facts were omitted or misstated in the request. Advisory opinions are posted for public inspection; the advisory judge may order a delay in posting if the judge determines the delay is in the City’s best interest.

Citizens are encouraged to contact the City Manager’s Office with any questions about the City’s Code of Ethics. A copy of the Code is available at the City’s website (www.LouisvilleCO.gov) and also from the Offices of the City Manager and City Clerk.

Other Laws on Citizen Participation in Government

Preceding sections of this pamphlet describe Louisville's own practices intended to further citizen participation in government. Those practices are generally intended to further dissemination of information and participation in the governing process. Some other laws of interest regarding citizen participation include:

Initiative and Referendum

The right to petition for municipal legislation is reserved to the citizens by the Colorado Constitution and the City Charter. An initiative is a petition for legislation brought directly by the citizens; a referendum is a petition brought by the citizens to refer to the voters a piece of legislation that has been approved by the City Council. In addition to these two petitioning procedures, the City Council may refer matters directly to the voters in the absence of any petition. Initiative and referendum petitions must concern municipal legislation—as opposed to administrative or other non-legislative matters. By law the City Clerk is the official responsible for many of the activities related to a petition process, such as approval of the petition forms, review of the signed petitions, and consideration of protests and other matters. There are minimum signature requirements for petitions to be moved to the ballot; in Louisville, an initiative petition must be signed by at least five percent of the total number of registered electors. A referendum petition must be signed by at least two and one-half percent of the registered electors.

Public Hearings

In addition to the opportunity afforded at each regular City Council meeting to comment on items not on the agenda, most City Council actions provide opportunity for public comment through a public hearing process. For example, the City Charter provides that a public hearing shall be held on every ordinance before its adoption. This includes opportunities for public comment prior to initial City Council discussion of the ordinance, as well as after Council's initial discussion but before action. Many actions of the City are required to be taken by ordinance, and thus this device allows for citizen public hearing comments on matters ranging from zoning ordinances to ordinances establishing offenses that are subject to enforcement through the municipal court.

Additionally, federal, state, and/or local law requires a public hearing on a number of matters irrespective of whether an ordinance is involved. For example, a public hearing is held on the City budget, the City Comprehensive Plan and similar plans, and a variety of site-specific or person-specific activities, such as annexations of land into the city, rezonings, special use permits, variances, and new

liquor licenses. Anyone may provide comments during these hearings.

Public Records

Access to public records is an important aspect of citizen participation in government. Louisville follows the Colorado Open Records Act (CORA) and the additional public records provisions in the City Charter. In particular, the Charter promotes the liberal construction of public records law, so as to promote the prompt disclosure of City records to citizens at no cost or no greater cost than the actual costs to the City.

The City Clerk is the custodian of the City's public records, except for financial, personnel, and police records which are handled, respectively, by the Finance, Human Resources, and Police Departments. The City maintains a public policy on access to public records, which include a records request form, a statement of fees, and other guidelines. No fee is charged for the inspection of records. No fee is charged for locating or making records available for copying, except in cases of voluminous requests or dated records, or when the time spent in locating records exceeds two hours. No fees are charged for the first 25 copies requested or for electronic records.

Many records, particularly those related to agenda items for City Council and current Board and Commission meetings, are available directly on the City's website (www.LouisvilleCO.gov). In addition to posting agenda-related material, the City maintains communication files for the City Council and Planning Commission. These are available for public inspection at the City Clerk's Office, 749 Main Street.

CORA lists the categories of public records that are not generally open to public inspection. These include, for example, certain personnel records and information, financial and other information about users of city facilities, privileged information, medical records, letters of reference, and other items listed in detail in CORA. When public records are not made available, the custodian will specifically advise the requestor of the reason.

Citizens are encouraged to review the City's website (www.LouisvilleCo.gov) for information, and to contact the City with any questions regarding City records.

Public Involvement Policy

Public participation is an essential element of the City's representative form of government. To promote effective public participation City officials, advisory board members, staff and participants should all observe the following guiding principles, roles and responsibilities:

Guiding Principles for Public Involvement

Inclusive not Exclusive - Everyone's participation is

welcome. Anyone with a known interest in the issue will be identified, invited and encouraged to be involved early in the process.

Voluntary Participation - The process will seek the support of those participants willing to invest the time necessary to make it work.

Purpose Driven - The process will be clearly linked to when and how decisions are made. These links will be communicated to participants.

Time, Financial and Legal Constraints - The process will operate within an appropriate time frame and budget and observe existing legal and regulatory requirements.

Communication - The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.

Adaptability - The process will be adaptable so that the level of public involvement is reflective of the magnitude of the issue and the needs of the participants.

Access to Information - The process will provide participants with timely access to all relevant information in an understandable and user-friendly way. Education and training requirements will be considered.

Access to Decision Making - The process will give participants the opportunity to influence decision making.

Respect for Diverse Interests - The process will foster respect for the diverse values, interests and knowledge of those involved.

Accountability - The process will reflect that participants are accountable to both their constituents and to the success of the process.

Evaluation - The success and results of the process will be measured and evaluated.

Roles and Responsibilities - City Council

City Council is ultimately responsible to all the citizens of Louisville and must weigh each of its decisions accordingly. Councilors are responsible to their local constituents under the ward system; however they must carefully consider the concerns expressed by all parties. Council must ultimately meet the needs of the entire community—including current and future generations—and act in the best interests of the City as a whole.

During its review and decision-making process, Council has an obligation to recognize the efforts and activities that have preceded its deliberations. Council should have regard for the public involvement processes that have been completed in support or opposition of projects.

Roles and Responsibilities - City Staff and Advisory Boards

The City should be designed and run to meet the needs and priorities of its citizens. Staff and advisory boards must ensure that the Guiding Principles direct their work. In addition to the responsibilities established by the Guiding

Principles, staff and advisory boards are responsible for:

- ensuring that decisions and recommendations reflect the needs and desires of the community as a whole;
- pursuing public involvement with a positive spirit because it helps clarify those needs and desires and also adds value to projects;
- fostering long-term relationships based on respect and trust in all public involvement activities;
- encouraging positive working partnerships;
- ensuring that no participant or group is marginalized or ignored;
- drawing out the silent majority, the voiceless and the disempowered; and being familiar with a variety of public involvement techniques and the strengths and weaknesses of various approaches.

All Participants

The public is also accountable for the public involvement process and for the results it produces. All parties (including Council, advisory boards, staff, proponents, opponents and the public) are responsible for:

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively, offering ideas, suggestions and alternatives;
- listening carefully and actively considering everyone's perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;
- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and
- considering that the quality of the outcome and how that outcome is achieved are both important.

Updated December 2019

This pamphlet is prepared pursuant to the Home Rule Charter of the City of Louisville.

This is a compilation of Articles 4 and 5 of the Charter of the City of Louisville and is available at all times in the City Clerk's Office, 749 Main Street, Louisville, Colorado, and on the City's web site at www.LouisvilleCO.gov.

This pamphlet is also provided to every member of a public body (board or commission) at that body's first meeting each year.



Handbook for Boards & Commissions



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INTRODUCTION

In order to assist in setting direction for the City of Louisville, the City Council considers the advice of its various boards and commissions. Citizens who serve on boards and commissions, therefore, play an important part in translating ideas into programs and suggestions and concerns into change. They also expand the knowledge and experience base of the elected decision makers. In addition, some boards or commissions have powers and duties defined under the City Charter or state law, and their functions go beyond advising and making recommendations to the City Council.

At present, the City has the following boards and commissions:

- Board of Adjustment
- Building Code Board of Appeals
- Business Retention and Development Committee
- Cultural Council
- Historic Preservation Commission
- Historical Commission
- Library Board of Trustees
- Local Licensing Authority
- Open Space Advisory Board
- Parks and Public Landscaping Advisory Board
- Planning Commission
- Recreation Advisory Board
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

PURPOSE

The purpose of this *Handbook for Boards and Commissions* is to explain the role of boards and commissions and set forth guidelines to assist them in carrying out their work. Should you have any questions about the information here, please contact the City Clerk.

CITY STRUCTURE

The City of Louisville is a home rule municipality operating pursuant to the City of Louisville Charter adopted by the citizens of Louisville in 2001. The citizens have chosen a mayor-council-manager form of government. Under this form, the citizens elect six council members, two from each ward, and one mayor at-large.

The City Council sets the goals and policies for City government and annually adopts a budget in support of City activities. The City Council appoints the City Manager, City Attorney, Municipal Judge, and Prosecuting Attorney. City staff members, under the direction of the City Manager, are responsible for carrying out the direction of the City Council in implementing programs and services. Department directors and their department staffs are under the direction of the City Manager.

As the City's chief executive officer, the City Manager oversees the day-to-day administrative affairs of the City, including assigning staff to assist boards and commissions in carrying out their responsibilities. The City Manager is responsible for conveying and implementing City Council policy.

QUASI-JUDICIAL VS. ADVISORY ROLES

The quasi-judicial boards are those that act like a judge in their proceedings and make decisions affecting a specific persons rights based on applying specific criteria to an application. These boards generally determine rights, duties, or obligations of a specific person or entity following a public hearing where evidence and public testimony is presented. The quasi-judicial boards are:

- Board of Adjustment
- Building Code Board of Appeals
- Historic Preservation Commission
- Local Licensing Authority
- Planning Commission

Advisory boards make recommendations to the City Council in a number of ways including on legislation, policy, and budgetary decisions. The advisory boards are:

- Business Retention and Development Committee
- Cultural Council
- Historical Commission
- Library Board of Trustees
- Open Space Advisory Board
- Parks and Public Landscaping Advisory Board
- Recreation Advisory Board
- Revitalization Commission
- Sustainability Advisory Board
- Youth Advisory Board

CITY COUNCIL LIAISON

A City Council member is assigned as City Council liaison to each advisory board. The liaison's role is not to direct the board in its activities but rather he/she serves:

- As the primary two-way communications channel between the City Council and the board or commission.
- As the primary informal City Council contact.
- To relay the City Council's position to the board or commission.
- As City Council contact rather than an advocate for or ex-officio member of the board or commission.

Quasi-judicial boards act independently of the City Council and therefore do not have a City Council liaison.

CITY STAFF LIAISON

The City Manager appoints a staff liaison to each board or commission. That staff

member serves to:

- Communicate the City's expectations to the board.
- Relay board requests to the City Manager and City Council.
- Identify areas in which the City would like the board's input and advice.
- Provide procedural guidance on the role of the board, City regulations, meeting rules, and open government procedures.
- Coordinate meetings and projects for the board.
- Assist the Chairperson in creating the meeting packet and publishing that packet in accordance with all open government rules.

If any board or board member has a conflict with or concern regarding your staff liaison, please contact the City Clerk.

BOARD MEMBER EXPECTATIONS

Attendance

The effective operation of a board depends upon regular attendance of the members at meetings. Board members are required to attend a minimum of three quarters (75%) of the meetings each calendar year. If a member is unable to attend a meeting, he or she should contact the chairperson and staff liaison at least 24 hours in advance of the meeting. The staff liaison will monitor attendance and forward attendance information to the City Clerk's Office when a member fails to meet the attendance requirements stated herein.

In addition, each calendar year, the City Clerk's Office reports to City Council the attendance information for every board and commission member including the number of meetings held by each board and commission and the number of meetings attended by each member.

Ethics Rules and Conflicts of Interest

The objective of City is that appointed members avoid ANY conflicts of interest. A member should also carefully consider for himself or herself avoiding even the appearance of impropriety. Where a conflict exists, and even in situations where the board member is unsure where an actual conflict exists but there exists a potential appearance of impropriety, the City Charter requires the following procedures be followed if you have a conflict of interest:

- Immediately and publicly disclose the nature and extent of the conflict.
- Do not participate in any discussion or decision regarding the action before the board.
- Leave the room.

In addition:

- Do not participate in discussions with other members of the board or City staff regarding the matter.
- Do not attempt to influence the matter, publicly or privately.

- These rules apply whether interest is direct or related to interest of a competitor.

What is considered a conflict? Key terms in answering this are whether there is an “interest.” The definition of “interest” is a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. Your interest extends to relatives and any business in which you are an officer, director, or employee or own more than 1% of outstanding shares.

Occasionally gifts are offered to board members. Board members may not solicit or accept a present or future gift, favor, discount, service, or other thing of value from a party to a City contract, or from a person seeking to influence your official action. There is an exception for “occasional non-pecuniary gift” of fifteen dollars (\$15) or less, unless the gift, no matter how small, may be associated with the member’s official action, whether concerning a contract or some other matter.

Additional rules to keep in mind:

- Board members may not use non-public information for personal or private gain.
- Board members may not use any City employee’s time for personal or private reasons.
- Board members may not use City vehicles or equipment, except in same manner as available to any other person.
- For two (2) years after leaving the board, board members are precluded from representing an interest in front of the City if it concerns a matter the board member voted on while serving the City.

If you are unsure of your legal responsibilities on any matter regarding your role as a board member, please seek the advice of the City Clerk’s Office as soon as possible, particularly before a meeting where you may have a conflict of interest respecting a matter before the board.

Open Government Training

The City Charter requires board members attend Open Government Training once every two years while they serve. Training is offered in the fall and the spring each year. Your staff liaison will make sure you have training dates and times. Open Government training includes information on ethics, open meetings laws, legal rules, meeting preparation, and more.

Board Responsibilities

Each board and commission is responsible to investigate and make thoughtful recommendations to the City Council and City staff on issues coming before it. Such recommendations are often most useful if they include alternatives that were considered and an analysis of the pros and cons of the alternatives.

Matters upon which a board makes recommendations can come from the City Council, City staff, the citizens of Louisville, and from the board members themselves.

The City Council does not wish to impose a rigid structure upon the thoughts and ideas of any board or commission, but instead believes that creative and innovative ideas can come from many different sources.

As a part of the biannual budget process, the City Council creates its goals for the year. Those goals can serve as a good starting point for a board when considering new projects or policies. Ask your staff liaison for the list of goals and the annual work plan if you are interested in the details.

The normal channel for communication between the City Council and the boards and commissions is through the staff liaison to the board. In addition, advisory boards have City Council liaisons who will report to the Council the deliberations and recommendations of the board. The boards and commissions, and their individual members, are always free to communicate directly with the City Council on any matter concerning their areas of responsibility, except there should be no communications with the City Council or other quasi-judicial decision makers concerning any pending quasi-judicial matters. For example, board members must not contact City Councilmembers regarding zoning applications outside of the zoning hearing. Similarly, quasi-judicial board members may not discuss pending applications amongst themselves or with others outside of the hearing.

Please remember that when considering recommendations from boards and commissions, the City Council attempts to balance the many diverse interests in our community.

MEETINGS

All meetings at which any public business is discussed where a quorum, or three or more board members, are present are considered public meetings and are open to the public at all times. No board or commission shall conduct any closed meeting.

A meeting is defined as follows:

- A "meeting" is "any kind of gathering, convened to discuss public business, in person, by telephone, or by any other means of communication."
- All meetings of three or more members or a quorum of a public body, whichever is fewer, are public meetings open to the public at all times.
- All meetings shall occur in public buildings and public facilities accessible to all members of the public.
- All meetings must be preceded by proper notice.

When board members are acting as volunteers carrying out a program or service of a board or commission, such as manning a booth or recycling stations at City events or helping with set up of a board event, agenda and open meeting rules do not apply. However, board members must take care when acting in these types of volunteer roles to ensure that they are not engaging in board policy discussions to which these rules do apply. Policy making can only occur in a public meeting that is open to the public, proper notice is posted, and the meeting conforms to open meetings laws. Any questions regarding whether a proposed gathering, event or activity requires as an

agenda and other meetings procedures should be directed to the staff liaison.

Quorum

The majority of all of the members of a board shall constitute a quorum. In order to conduct business at any meeting, a quorum shall be present. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a future date.

Public Notice and Meeting Packets

Meeting packets are prepared by City staff liaison. However, members should note what is required for meeting preparation and give meeting agendas proper consideration and enough time to meet the City's deadlines. The City Charter requires the following meeting preparation:

- Agendas must be specific and list all topics on which substantive discussions or formal action is expected.
- Agendas must be posted at least 72 hours in advance. Administratively, the City requires all agendas be posted the Wednesday the week prior to the meeting to allow anyone who might be interested time to read the materials.
- Places for posting meeting notice include the City Hall, Recreation Center, Library, and Police Station.
- The complete meeting packet is also posted on the City website (www.LouisvilleCO.gov).

During a meeting, substantive discussion is not allowed on any subject not listed on the agenda or not substantially related to a subject listed on the agenda.

Rules of Order

Generally, meetings can be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the board.

Public Involvement Policy

Public participation is an essential element of the City's representative form of government. To promote effective public participation the adopted a Public Involvement Policy. (The complete policy is available on the City's web site www.LouisvilleCO.gov). City officials, board members, staff, and participants should all observe the following guiding principles, roles, and responsibilities of that document.

Some of those guiding principles include:

- **Inclusive not Exclusive** - Everyone's participation is welcome.
- **Voluntary Participation** - The process will seek the support of those participants willing to invest the time necessary to make it work.
- **Communication** - The process and its progress will be communicated to participants and the community at-large using appropriate methods and technologies.
- **Adaptability** - The process will be adaptable so that the level of public involvement is reflective of the magnitude of the issue and the needs of the participants.

- **Access to Information** -The process will provide participants with timely access to all relevant information in an understandable and user-friendly way.
- **Access to Decision Making** - The process will give participants the opportunity to influence decision making.
- **Respect for Diverse Interests** - The process will foster respect for the diverse values, interests, and knowledge of those involved.
- **Accountability** - The process will reflect that participants are accountable to both their constituents and to the success of the process.

The City should be designed and run to meet the needs and priorities of its citizens. Staff and advisory boards must ensure the Guiding Principles direct their work. In addition to the responsibilities established by the Guiding Principles, staff and advisory boards are responsible for:

- ensuring that decisions and recommendations reflect the needs and desires of the community as a whole;
- pursuing public involvement with a positive spirit because it helps clarify those needs and desires and also adds value to projects;
- in all public involvement activities fostering long-term relationships based on respect and trust;
- encouraging positive working partnerships;
- ensuring that no participant or group is marginalized or ignored;
- drawing out the silent majority, the voiceless and the disempowered; and
- being familiar with a variety of public involvement techniques and the strengths and weaknesses of various approaches.

The public is also accountable for the public involvement process and for the results it produces. All parties are responsible for:

- working within the process in a cooperative and civil manner;
- focusing on real issues and not on furthering personal agendas;
- balancing personal concerns with the needs of the community as a whole;
- having realistic expectations;
- participating openly, honestly and constructively, offering ideas, suggestions and alternatives;
- listening carefully and actively consider everyone's perspectives;
- identifying their concerns and issues early in the process;
- providing their names and contact information if they want direct feedback;
- remembering that no single voice is more important than all others, and that there are diverse opinions to be considered;
- making every effort to work within the project schedule and if this is not possible, discussing this with the proponent without delay;
- recognizing that process schedules may be constrained by external factors such as limited funding, broader project schedules or legislative requirements;
- accepting some responsibility for keeping themselves aware of current issues, making others aware of project activities and soliciting their involvement and input; and

- considering that the quality of the outcome and how that outcome is achieved are both important.

Quasi-Judicial Public Hearings

Quasi-judicial boards will be called upon to conduct a public hearing on a matter coming before it. A public hearing is a process by which official input on a matter coming before a board is received from all those wishing to present testimony. It is a matter of fundamental due process that decisions made as a result of a quasi-judicial public hearing are based solely upon the evidence presented at the public hearing, and no prior investigation or discussion should be conducted by any member. If members have acquired information from outside the hearing, they should state during the hearing what the information is and allow public comment.

The chairperson should declare the public hearing open, and after hearing public testimony, declare the hearing closed. Following the public hearing, board members should discuss the matter among themselves (still in open meeting), and reach a decision by adopting a motion that sets forth the basis for the decision. Any such decision should be set out in the minutes of the meeting and in a written resolution adopted by the board.

Further information regarding the conduct of public hearings is available from your staff liaison or the City Clerk's Office.

In general, the City will always interpret meeting rules in favor of participation and disclosure. Try to keep discussions on topic and set discussion of new items for a later date. Always advise the public and participants of City's local rules.

ORGANIZATION OF THE BOARD

Each board shall choose a chairperson and a vice chairperson. Additional offices may be created by the board from time to time as necessary.

Chairperson/President

The chairperson serves as the presiding officer over all meetings. It is the responsibility of the chairperson to conduct meetings, keep the discussion on track, encourage the input of ideas, and facilitate the overall decision process. The chairperson should clarify ideas as they are discussed and should repeat motions to ensure that all members fully understand the wording of the item upon which they are voting. It is also the chairperson's responsibility to sign all documents on behalf of the board. The chairperson, working with the staff liaison, is responsible for preparing an agenda for each meeting.

Vice Chairperson

The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson. The vice chairperson may request the assistance of other members of the board in carrying out the duties of the office.

Secretary

Quasi-Judicial boards have a City staff person to serve as secretary for meeting minutes. Advisory boards shall appoint a member to serve as the secretary to take meeting minutes. The secretary is responsible for the minutes of the meeting, and keeps a record of the proceedings of the board. City staff will deposit a copy of the approved minutes from each meeting in Central Records for permanent retention.

APPOINTMENTS AND VACANCIES

You MUST meet the following criteria to serve on ANY Louisville Board or Commission:

- You must reside in the City of Louisville.
- You may not be an employee of the City of Louisville.

Each member is appointed to a specific term of office. Annually in the fall, the City will advertise for interested applicants for vacancies in the upcoming year. The City Council will review all applications and may interview applicants prior to making appointments at a City Council meeting.

The application process for the position is required for all applicants, including existing board or commission members seeking reappointment to a new term on the same board or commission.

This application process does not apply to the Youth Advisory Board which maintains a separate application process.

Mid-year vacancies can be filled if there is an interested applicant or may be left vacant until the annual appointment process. Those interested in a mid-year appointment will complete an application to be reviewed by the City Council. Mid-year appointments last until the end of the calendar year and appointees may apply for a full term during the annual appointment process.

The City Clerk's Office shall send an email of appointment to each new member including a copy of the Code of Ethics and the *Handbook for Boards and Commissions*. The City's Open Government Pamphlet is provided to each board member at the first meeting of every year.

LIABILITY

When performing authorized functions, board members and the City's volunteers are entitled to the protection of the Governmental Immunity Act. The Act, generally speaking, protects the board member from personal liability for any action within the scope of such appointment, except where the act is willful or wanton. The City Clerk's Office staff is available for further discussions regarding liability. To minimize risk of liability to themselves, the City, and their board, board members should keep in mind that they are members of a collective body and therefore should avoid acting individually on a matter unless clearly authorized to do so. Also, board members should stay within their authorized activities and not act in cases where a conflict of interest exists.

Cause for Removal

In order to help encourage citizens to volunteer and to promote an environment in which participation is productive and rewarding, the Council expects all board and commission members to work in a cooperative, constructive, and civil manner. The City Council established that during the term of office, a member of a board or commission shall be removed only for cause which includes but is not limited to:

- A. Violation of City or state ethics laws;
- B. Conviction during the term of office of a felony or of any other crime involving moral turpitude;
- C. Absence from more than 25 percent of the regular meetings in any 12-month period;
- D. Neglect of duty or malfeasance in office;
- E. Knowing violation of any statute, ordinance, resolution, rule, policy or bylaw applicable to the board or commission;
- F. Knowing disclosure of confidential information, which is defined to mean information which is not available to the general public under applicable laws, ordinances and regulations, and which is obtained by reason of the board or commission member's position with the City;
- G. Failure to maintain the qualifications of a board or commission member for the board or commission on which the member serves;
- H. Behaving in a harassing, hostile, threatening or otherwise inappropriate manner, or unreasonably disrupting or interfering with the conduct of any meeting of a board or commission; or
- I. Other grounds constituting cause as established by law.

The procedure for removing a member of a City board or commission is as follows:

- A. Any person who believes that there is cause to remove a member of a City board or commission as provided in section 2 above shall present the evidence of such cause to the City Manager.
- B. The City Manager shall review the evidence presented and conduct additional investigations as the City Manager deems necessary. If the City Manager determines there is sufficient evidence supporting further action, the City Manager shall contact the board or commission member who is the subject of the allegation, outline the allegation against the member and provide the member with an opportunity to respond to the allegation. After considering all information received, the City Manager shall make a determination as to whether there may be grounds for removal or whether other action is warranted.
- C. If the City Manager determines there may be grounds for removal, the City Manager shall present a report to the City Council for its consideration and action. The member shall be provided a copy of the report and the time and place of the City Council's consideration of the matter, at which time the member may address the City Council regarding the report. Removal of a member shall require the affirmative vote of a majority of the entire City Council.

D. The City Manager may appoint a designee to perform the Manager's duties set forth in this Section.

A member may resign from a board or commission at any time by providing a resignation letter or email to the Mayor and staff liaison.

MORE INFORMATION

For specific information regarding the City's boards and commissions and a description of membership requirements and duties, please see the City's website at www.LouisvilleCO.gov or contact the City Clerk at 303.335.4536.

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